

PATENT

ROWE/03
Confirmation No. 5179**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (3 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Kennedy Schaetzle, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on July 21, 2004.

Judith L. Volk
Judith L. Volk

July 21, 2004
Date

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JUL 21 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James M. Campos
 Serial No.: 10/ 047,745
 Filed: January 15, 2002
 For: RESONANT MUSCLE STIMULATOR

Art Unit: 3762
 Examiner: Kennedy Schaetzle
 Atty. Docket No.: ROWE/03

OFFICIAL

RESPONSE TO ELECTION/RESTRICTIONS

Mail Stop AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Office Action dated June 29, 2004, within the one-month period for response. In the Office Action, the Examiner subjected claims 1-59 to restriction, and more particularly, asserted that the claims are directed to the following patentably distinct species of the claimed invention: the subspecies wherein the pulse characteristics are identical; the subspecies wherein the pulse characteristics are different; the subspecies wherein the first resonant sequence is in phase with the second resonant sequence; the subspecies wherein the first resonant sequence is out of phase with the second resonant sequence; the subspecies wherein the pulses are generated to achieve a net charge; the subspecies wherein the pulses are generated to achieve a balanced charge; the subspecies wherein the pulses have a faradic waveform characteristic; the subspecies wherein the pulses have a square waveform

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characteristic; the subspecies wherein the short pulse precedes the second pulse; the subspecies wherein the short pulse succeeds the second pulse.

In deference to the Examiner's suggestion, Applicant elects a group of non-mutually exclusive subspecies to form a single species. Namely, Applicant elects the subspecies wherein the pulse characteristics are different; the subspecies wherein the first resonant sequence is out of phase with the second resonant sequence; the subspecies wherein the pulses are generated to achieve a balanced charge; the subspecies wherein the pulses have a square waveform characteristic; and the subspecies wherein the short pulse succeeds the second pulse.

A listing of all claims readable on the elected species include: claims 1-3, 6-9, 11, 14-15, 17, 19-20, 22-28, 30, 33, 35-39, 41-43, 45 and 47-59.

Early and favorable examination on the merits is respectfully requested upon receipt and entry of this Amendment. If there are any questions regarding this paper, or which might otherwise further this case onto allowance, please contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



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